THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 5520 of 2004

Dt:05.09.2005

Between:

G.Ram Reddy

.. Petitioner

and

The Deputy Registrar and another

.. Respondents

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 5520 of 2004

ORDER:

This writ petition is filed seeking a declaration that the sale notice, dated 23.02.2004, issued by the first respondent-Deputy Registrar of Co-operative Societies, Karimnagar, as illegal and arbitrary.

This Court, while directing notice before admission on 23.03.2004, granted interim stay of auction proposed to be held under the impugned notice, dated 23.02.2004.

When the matter is taken up for consideration, it is represented by the learned

counsel for both the parties that the issue involved in this writ petition is squarely covered by the Full Bench decision of this Court in ***M.BABU RAO AND OTHERS v Dy. REGISTRAR OF CO-OPERATIVE SOCIETIES***, wherein, it was held that so far as the claims exceeding Rs.10 lakhs, proceedings initiated under the provisions of the Andhra Pradesh Co-operative Societies Act, 1964 were not maintainable. It was also held that the jurisdiction and power of Registrar of the Co-operative Societies to deal with such claims wholly and comprehensively excluded.

It is brought to my notice that following the above said decision, several other writ petitions have been disposed of holding that the award passed by the Registrar is null and void and inoperative, and granting liberty to the Banks concerned to proceed with the recovery of debts due to them, before the appropriate forum, in accordance with law.

Following the Full Bench decision of this Court, the writ petition is disposed of declaring that the impugned sale notice, dated 23.02.2004, is illegal and without jurisdiction. However, liberty is granted to the second respondent-Bank to proceed with the recovery of the amount alleged to be due from the petitioner before appropriate forum under appropriate law in accordance with the ratio laid down by the above said decision. There shall be no order as to costs.

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05.09.2005

kdl